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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT Patent Application Docket No. UF-246XCD1 Serial No. 10/722,620

Jene 23, 2005

Margaret H. Efron, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Samsun Lampotang, Richard J. Melker, and David N. Silverman

Serial No.

10/722,620

Filed

November 26, 2003

Examiner

Not yet assigned

Art Unit

2684

Conf. No.

7104

For

Marker Detection Method and Apparatus to Monitor Drug Compliance

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§1.56, 1.97, AND 1.98

Sir:

In accordance with 37 C.F.R. §§1.56, 1.97, and 1.98 the references on the attached form PTO/SB/08 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. For the examiner's convenience, full text copies of the non-patent literature documents and a copy of the first page of the cited foreign patent documents are also enclosed. A full-text copy of U.S. Patent Application No. 09/708,789 is also provided herewith. The Applicants further note that German Patent Application Nos. DE 19607646 and DE 29902593, European Patent Application No. 0979997,

Docket No. UF-246XCD1 Serial No. 10/722,620

2

Japanese Patent Application Nos. JP 08313407 and JP 09196915, and Russian Patent Application No. RU 2104535 cited as F1, F2, F4, F7, F8, and F9, respectively, on the attached Form PTO/SB/08 are written in a foreign language. However, English language abstracts are provided for each of these foreign patent documents.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08 with initials or other appropriate marks. If any additional fee is required, or to credit any overpayment, please use Deposit Account No. 19-0065.

The applicants respectfully assert that the substantive provisions of 37 C.F.R. §§1.56, 1.97, and 1.98 are met by the foregoing statement.

Respectfully submitted,

Margaret H. Efron

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MHE/lj

Attachments: Form PTO/SB/08

Copies of references listed

PTO/SB/08A (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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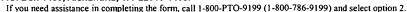
Complete if Known Substitute for form 1449A/PTO **Application Number** 11/039.111 January 19, 2005 **Filing Date** INFORMATION DISCLOSURE **First Named Inventor** Richard J. Melker STATEMENT BY APPLICANT 1743 **Group Art Unit Examiner Name** Not yet assigned (use as many sheets as necessary) Sheet **Attorney Docket Number** UF-404XC1 of 12 1

				U.S. PATENT DOCUME	NTS	
Examiner Initials*	Cite No. 1	U.S. Patent Docume Number Kinc Code ²		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U1	3,567,029		03-02-1971	Quame	
	U2	3,792,272		02-12-1974	Harte et al.	
	U3	3,608,546		09-28-1971	Shinn	
	U4	3,649,199		03-14-1972	Littlejohn	
	U5_	3,877,291		4-15-1975	Hoppesch et al.	
	U6	3,951,607		04-20-1976	Fraser	
	U7	3,955,926		5-11-1976	Fischer	
	U8	4,150,670		04-24-1979	Jewett et al.	
	U9	4,202,352		05-13-1980	Osborn	
	U10	4,215,409	•	07-29-1980	Strowe	
	U11	4,312,228		01-26-1982	Wohltjen	
	U12	4,314,564		02-09-1982	Albarda	
	U13	4,334,540		6-15-1982	Preti et al.	
	U14	4,346,584		08-31-1982	Boehringer	
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	U18	4,432,226		02-21-1984	Dempster	
	U19	4,456,014		06-26-1984	Buck et al.	
	U20	4,534,360		8-13-1985	Williams	
	U21	4,734,777		3-29-1988	Okino et al.	<u></u>
	U22	4,735,777		04-05-1988	Mitsui et al.	
	U23	4,772,559		9-20-1998	Preti et al.	
	U24	4,796,639		01-10-1989	Snow et al.	
	U25	4,868,545		09-19-1989	Jones	
	U26	4,895,017		1-23-1990	Pyke et al.	
	U27	4,938,928		7-03-1990	Koda <i>et al</i> .	

Examiner	Date
Signature	Considered

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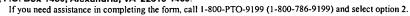
Complete if Known Substitute for form 1449A/PTO **Application Number** 11/039.111 January 19, 2005 Filing Date INFORMATION DISCLOSURE First Named Inventor Richard J. Melker STATEMENT BY APPLICANT **Group Art Unit** 1743 **Examiner Name** Not yet assigned (use as many sheets as necessary) Sheet **Attorney Docket Number** UF-404XC1 of 12 2

				U.S. PATENT DOCUM	IENTS	
Examiner Initials*	Cite No. ¹	U.S. Patent Docum Number Kir Code ²		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U28	4,992,244	1	2-12-1991	Grate	-
	U29	5,003,985		04-02-1991	White et al.	
	U30	5,034,192		7-23-1991	Wrighton et al.	
	U21	5,042,501		8-27-1991	Kenny et al.	
	U32	5,060,506		10-29-1991	Douglas	
	U33	5,071,770		12-10-1991	Kolesar, Jr.	
	U34	5,081,871		1-21-1992	Glaser	
	U35	5,082,630		01-21-1992	Partin et al.	
	U36	5,094,235		03-10-1992	Westenskow et al.	
	U37	5,111,827	Α	05-12-1992	Rantala	
	U38	5,137,692	Α	8-11-1992	Fritz	
	U39	5,145,645	Α	9-08-1992	Zakin <i>et al.</i>	
	U40	5,167,972	Α	12-01-1992	Greenberg et al.	
	U41	5,179,027	Α	01-12-1993	Fisher	
	U42	5,252,292	Α	10-12-1993	Hirata et al.	
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	U46	5,325,704	Α	7-05-1994	Mariani et al.	
	U47	5,351,522	Α	10-04-1994	Lura	
	U48	5,361,771	Α	11-08-1994	Craine et al.	
	U49	5,409,839	Α	04-25-1995	Balestrieri et al.	<u> </u>
	U50	5,425,374	Α	06-20-1995	Ueda et al.	
	U51	5,447,165	Α	09-05-1995	Gustafsson	
	U52	5,453,359	Α	09-26-1995	Gargan et al.	
	U53	5,465,608	Α	11-14-1995	Lokshin et al.	
	U54	5,466,700	Α	11-14-1995	Batenhorst et al.	
	U55	5,482,601	A	1-09-1996	Ohshima et al.	

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Signature	Cons	sidered

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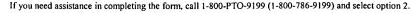
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Substitute for form 1449A/PTO				Application Number	11/039,111	
INFO	RMATION DI	SC	LOSURE	Filing Date	January 19, 2005	
	EMENT BY			First Named Inventor	Richard J. Melker	
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(use as many sheets as necessary)				Examiner Name	Not yet assigned	
Sheet	3	of	12	Attorney Docket Number	UF-404XC1	フ

				U.S. PATENT DOCU	MENTS	
Examiner Initials*	Cite No. ¹	Code ²	nent nd (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U56	5,495,744	ΙA	03-05-1996	Ueda et al.	
	U57	5,501,212	Α	03-26-1996	Psaros	
	U58	5,528,924	Α	06-25-1996	Wajid et al.	
	U59	5,547,878	Α	8-20-1996	Kell	
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	U61	5,560,352	Α	10-01-1996	Heim et al.	
	U62	5,634,517	Α	06-03-1997	Linden et al.	
	U63	5,573,005	Α	11-12-1996	Ueda et al.	
	U64	5,573,955	Α	11-12-1996	Khanna et al.	
	U65	5,605,612	Α	2-25-1997	Park et al.	
	U66	5,645,072	Α	7-08-1997	Thrall et al.	
	U67	5,716,852	Α	02-10-1998	Yager et al.	
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	U74	5,801,297	Α	09-01-1998	Mifsud et al.	
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Examiner	Date	
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Sheet	4	of	12	Attorney Docket Number	UF-404XC1		

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	U87	5,958,896	Α	09-28-1999	Renshaw et al.	
	U88	5,962,335	Α	10-05-1999	Katzman	
	U89	5,971,937	Α	10-26-1999	Ekstrom	
	U90	5,996,586	Α	12-07-1999	Phillips	
	_U91	6,007,775	Α	12-28-1999	Yager	
	U92	6,010,459	Α	1-04-2000	Silkoff et al.	
	U93	6,025,200	Α	02-15-2000	Kaish <i>et. al</i>	·
	U94	6,057,162	Α	5-02-2000	Rounbehler et al.	
	U95	6,063,243	Α	5-16-2000	Zettl <i>et al</i> .	
	U96	6,067,167	Α	5-23-2000	Atkinson et al.	
	U97	6,074,345	Α	06-13-2000	Van Oostrom et al.	
	U98	6,085,576	Α	7-11-2000	Sunshine et al.	
	U99	6,094,681		07-25-2000	Shaffer et al.	
	U100	6,097,485	Α	08-01-2000	Lievan	
	U101	6,120,443	Α	09-19-2000	Cohen-Laroque	
	U102	6,131,571	Α	10-17-2000	Lampotang et al.	
	U103	6,136,801	Α	10-24-2000	Kell	
	U104	6,153,147	Α	11-28-2000	Craig	
	U105	6,180,414	B1	01-30-2001	Katzman	
	U106	6,186,977	B1	02-13-2001	Andrews et al.	
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-	U108	6,203,814	B1	3-20-2001	Fisher et al.	
	U109	6.216.690	B1	04-17-2001	Keitel et al.	
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	U111	6,234,006	B1	05-22-2001	Sunshine et al.	
	U112	6,237,397	B1	05-29-2001	Shinar et al.	
	U113	6,244,096	B1	6-12-2001	Lewis et al.	
	U114	6,248,078	B1	6-19-2001	Risby et al.	
	U115	6,251,082	B1	06-26-2001	Rayburn	
	U116	6,261,783	B1	7-17-2001	Jayasena et al.	

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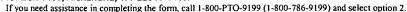
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	U117	6,264,913	B1	07-24-2001	Wagner	
	U118	6,277,081	B1	08-21-2001	Susi et al.	
	U119	6,283,953	B1	09-04-2001	Ayer et al.	
	U120	6,303,316	B1	10-16-2001	Kiel et al.	
	U121	6,305,212	B1	10-23-2001	Drzewiecki	
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	U129	6,416,479	B1	07-09-2002	Seidman	
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	U132	6,479,019	B1	11-12-2002	Goldstein et al.	
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	U134	6,511,453	B2	01-28-2003	Georgieff	
	U135	6,558,626	B1	05-06-2003	Aker et al.	
	U136	6,589,727	B1	07-08-2003	Klenerman et al.	•
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	U138	6,599,253	B1	07-29-2003	Baum et al.	
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	U140	6,620,800	B1	09-16-2003	Roberts II	
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Substitute for form 1449A/PTO				Application Number	11/039,111	
INFO	RMATION D	ISCL	OSURE	Filing Date	January 19, 2005	
STATEMENT BY APPLICANT				First Named Inventor	Richard J. Melker	
JIAI	CMICIA! DI	A F F	LICANI	Group Art Unit	1743	
(us	se as many sheets	as nece	essary)	Examiner Name	Not yet assigned	
Sheet	6	of	12	Attorney Docket Number	UF-404XC1	

				U.S. PATENT DOCUM	ENTS	
Examiner Initials*	Cite No. ¹	U.S. Patent Docume Number Kind Code ²		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U146	2001/0021815	A1	09-13-2001	Katzman et al.	
	U147	2001/0046674	A1	11-29-2001	Ellington	
	U148	2001/0050228	A1	12-13-2001	Jaeger	
	U149	2001/0055544	A1	12-27-2001	Сорр	
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	U167	2005/0065446	A1	03-24-2005	Talton	
	U168	09/708,789 (Application No.)		11-08-2000 (Date Filed)	Lampotang <i>et al.</i>	
	U169					
	U170					

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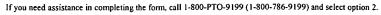
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Substitu	Substitute for form 1449A/PTO		Application Number	11/039,111		
INFO	DRMATION DI	SCL	OSURE	Filing Date	January 19, 2005	
	TEMENT BY			First Named Inventor	Richard J. Melker	
317	ILLIAICIAI DI 1	~F F E	.ICAN	Group Art Unit	1743	
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Sheet	7	of	12	Attorney Docket Number	UF-404XC1	

				FORE	GN PATENT DOCMENTS			
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	F1		DE 19607646 (English Abstract)	A1	Muehlenberg <i>et al.</i>	09-11-1997		
	F2		DE 29902593 (English Abstract)		Genzyme Virotech GmbH	08-26-1999		
	F3		EP 0 370 151	A1	L'Air Liquide, S. A.	05-30-1990		
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	F5		GB 829,409	А	Governors of the United Birmin	03-02-1960		
	F6		GB 2 309 166	Α	Cleansharp Limited	07-23-1997		
	F7		GB 2 329 245	Α	Cavkit Limited	03-17-1999		
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	F17		WO 99/66304	A1	California Institute of Technology	12-23-1999		
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INFOR	RMATION	DISCLO	SURE	Filing Date	January 19, 2005
STATEMENT BY APPLICANT				First Named Inventor	Richard J. Melker
STATEMENT BY APPLICANT				Group Art Unit	1743
(use	as many shee	ts as necess	ary)	Examiner Name	Not yet assigned
Sheet	8	of	12	Attorney Docket Number	UF-404XC1

				FOREI	GN PATENT DOCMENTS			
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	F19		WO 00/67820	A1	Aneo AB	11-16-2000		
	F20		WO 00/79243	A1	Cyrano Sciences, Inc.	12-28-2000		
	F21	Ш	WO 01/34024	A1	University of Florida	05-17-2001		
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	F23		WO 2002/079514	A1	The Trustees of Boston College	10-10-2002		
	F24		WO 03/016901	A1	Samsung Electronics Co., Ltd.	02-27-2003		
	F25		WO 03/045473	A1_	Mufa Ag	06-05-2003		
	F26		WO 2004/065404	A1	University of Florida Research Foundation, Inc.	08-05-2004		
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(us	se as many sheets a	s necessa	ary)	Examiner Name	Not yet assigned	
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		OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS	
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	R3	BRODY et al. "The use of Aptamers in Large Arrays for Molecular Diagnostics," Molecular Diagnosis (1999), Volume 4, number 4, pages 381-388.	
	R4	CHANDIOK, S. et al. "Screening for Bacterial Vaginosis: A Novel Application of Artificial Nose Technology," <i>Journal of Clinical Pathology</i> (1997), Volume 50, pages 790-791.	
	R5	DICKINSON, T. A. et al., "Current Trends in 'Artificial-Nose' Technology," Tib Tech, 1998, 16:250-258.	
	R6	FANG, M. et al. "Detection of Organic Chemicals by SAW Sensor Array," Sensors and Actuators (1999), Volume B56, pages 155-157.	
	R7	FISHER <i>et al.</i> "A man-portable chemical sniffer utilizing Novel Fluorescent polymers for detection of ultra-trace concentrations of explosives emanating from landmines," <i>Nomadics Inc.</i> (2000), PAGES 1-10.	
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	R10	GANGA-ZANDZOU, P.S. et al. "A 13C-urea breath test in children with Helicobacter pylori infection: validity of the use of a mask to collect exhaled breath sample," <i>Acta. Paediatr.</i> (2001), Volume 90, pages 232-233.	
	R11	GRATE, JW et al. "Determination of Partition Coefficients from Surface Acoustic Wave Vapor Senor Responses and Correlation with Gas-Liquid Chromatographic Partition Coefficients," Anal. Chem. (1998), Volume 60, pages 869-875.	

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STATEMENT BY APPLICANT				First Named Inventor	Richard J. Melker	
SIA	I CIVICIA I D	I AFFEI	CAN	Group Art Unit	1743	
(u	se as many shee	ts as necessa	ary)	Examiner Name	Not yet assigned	
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		OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS	
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	R12	GROVES, W. et al. "Analyzing organic vapors in exhaled breath using a surface acoustic wave sensor array with preconcentration: Selection and characterization of the preconcentrator absorbent," <i>Analytica Chimica Acta</i> (1998), Volume 371, pages 131-143.	
	R13	HAMMON III, W. S. et al., "Forensic GPR: Finite-Difference Simulations of Responses From Buried Human Remains," <i>Journal of Applied Geophysics</i> , (2000), 45:171-186.	
	R14	HANSON III, C.W. et al. "The use of a novel 'Electronic Nose' to diagnose the presence of intrapulmonary infection," <i>Anesthesiology</i> (1997), Volume 87, number 3A, abstract A269.	
	R15	HONG, C. et al., "Carbon Nanotube-Enhanced Electrochemical DNA Biosensor for DNA Hybridization Detection" (2003), Anal. Bioanal. Chem., 375:287-293.	·
	R16	HUANG et. al., "Depth of Anesthesia Estimating & Propofol Delivery System," Aug. 1, 1996, http://www.rpi.edu/~royr/roy descpt.html.	
	R17	JAYASENA, "Aptamers: An Emerging Class of Molecules That Rival Antibodies in Diagnostics," Clinical Chemistry, 1999, 45(9):1628-1650.	
	R18	KENNY, "Target-Controlled Infusions –Pharmacokinetic and Pharmacodynamic Variations," http://www.anaesthesiologie.med.uni-erlangen.de/esctaic97/a_kenny.htm.	
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	R21	MILLER III, E. R. et al., "Association Between Cigarette Smoking and Lipid Peroxidation in a Controlled Feeding Study," Circulation, (1997), 96(4):1097-1101.	
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Examiner	Date	`
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	R23	PANTAROTTO D. et al., "Synthesis, Structural Characterization, and Immunological Properties of Carbon Nanotubes Functionalized with Peptides" (2003), J. Am. Chem. Soc., 125:6160-6164.	
	R24	PARRY, A.D. <i>et al.</i> "Leg Ulcer Odour Detection Identifies <i>β</i> -haemolytic Streptococcal Infection," <i>Journal of Wound Care</i> (1995), Volume 4, number 9, pages 404-406.	
	R25	PAVLOU and TURNER. "Sniffing out the truth: Clinical Diagnosis Using the Electronic Nose," Clin. Chem. Lab. Med. (2000), Volume 38, number 2, pages 99-112.	
	R26	PERRI, F. "Diagnosis of <i>Helicobacter pylori</i> infection: which is best? The urea breath test," <i>Dig. Liver. Dis.</i> (2000), Volume 32, Supp. 3, pages S196-198.	
	R27	PHILLIPS, M., "Breath Tests in Medicine," Scientific American, 1992, pages 52-57.	
	R28	Pilar Kraman, "Prescription Drug Diversion," <i>Trends Alert</i> provided by the Council of State Government at www.csg.org (April 2004).	
	R29	ROGERS et al. "Fiber-optic biosensors based on total internal-reflection fluorescence," American Chemical Society (1992), Ch. 13, pages 165-173.	
,	R30	STOJANOVIC, M. N. et al., "Aptamer-Based Folding Fluorescent Sensor for Cocaine," J. Am. Chem. Soc., 123:4928-4931, (2001).	
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	R33	TRACQUI, A. et al. "Systematic Toxicological Analysis Using HPLC/DAD," Journal of Forensic Sciences (1995), Volume 40, Number 2, pages 254-262.	

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Substitute	for form 1449A/PTO		•	Application Number	11/039,111	
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	EMENT BY			First Named Inventor	Richard J. Melker	
SIAI			LICANI	Group Art Unit	1743	
(us	e as many sheets a	as nec	essary)	Examiner Name	Not yet assigned	
 Sheet 12 of 12		Attorney Docket Number	UF-404XC1			

		OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
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	R34	U.S. FOOD AND DRUG ADMINISTRATION, "FDA White Paper, Protecting the Public Health: FDA Pursues and Aggressive Enforcement Strategy," www.fda.gov/oc/whitepapers/enforce.html (06-30-2003).			
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